

EXHIBIT I

RE: LUPE v. Abbott, 5:21-cv-844 (WD Tex): Discovery Correspondence - M&C (Intervenor-Defendants)

Kathryn Sadasivan <ksadasivan@naacpldf.org>

Mon 10/3/2022 8:08 AM

To: Gore, John M. <jmgore@jonesday.com>; Elena Rodriguez Armenta <erodriguezarmenta@elias.law>; Roberts, Charles E. <cetroberts@jonesday.com>;

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1 attachment

Meet and Confer 10.3.pdf;

Dear John,

We have received your email on September 23 and your letter dated August 29. We write to follow up on and better understand GOP Intervenors' claims of privilege in this matter. To do so, we think it appropriate to conduct another meet and confer this week, the week of October 3, 2022. As you know, the scheduling order contemplates the deadline for completion of discovery on matters related to the primary election as to Intervenors on October 24, 2022.

GOP Intervenors' have articulated general objections to producing documents based on legislative privilege, First Amendment associational privilege, and other privileges but have not objected to any specific request for production of documents based on a claim of privilege. This makes any failure to produce a privilege log particularly inappropriate. In our initial meet and confer on August 11, as well as in Plaintiffs' August 19 correspondence, Plaintiffs expressed specific concern over the GOP Intervenors' privilege-related objections. In the August 11 meet and confer, GOP Intervenors explained that because you were in the early stages of document collection and review, you were not aware of how voluminous the documents withheld under claims of privilege would be, but indicated that you anticipated many First Amendment privilege claims in particular. GOP intervenors' letter dated August 29 stated that "Intervenors do not yet know the size or scope of the document collection or the extent to which potentially responsive documents might implicate First Amendment or other privileges." In GOP Intervenors' September 23 correspondence, you again noted that GOP Intervenors "are still collecting and reviewing documents" and remain "unable to determine at this juncture whether the existing protective orders are adequate to protect our clients' interests." Plaintiffs served their requests for production on GOP Intervenors on June 1, 2022, approximately four months ago.

GOP Intervenors have thus far failed to clarify your position with respect to the general objections on the basis of privilege and to the production of a privilege log. Plaintiffs reiterate the requirement of an opportunity to assess these privilege claims on a document-by-document basis, as required by Federal Rule of Civil Procedure Rule 26(b) and the ESI Order entered in this case.

Intervenors' delay in assessing claims of privilege will almost certainly result in discovery delays. Given the already lengthy delays on the part of GOP Intervenors, we request a meet and confer this week, possibly either October 6 or 7, 2022, to avoid the time, costs, and delays associated with unnecessary discovery motions.

Regards,
Kathryn Sadasivan
Redistricting Counsel, NAACP Legal Defense and Educational Fund

From: Gore, John M. <jmgore@jonesday.com>

Sent: Friday, September 23, 2022 4:47 PM

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Subject: RE: LUPE v. Abbott, 5:21-cv-844 (WD Tex): Discovery Correspondence - M&C (Intervenor-Defendants)

[Caution: EXTERNAL EMAIL]

Elena:

Thanks for following up. We note that the Fifth Circuit has stayed all discovery in these matters until September 29. Nonetheless, we are happy to provide you an update on our discovery efforts.

This is the first time we are hearing of any issues with our interrogatory responses, which we served on August 12. As you note, 6 of our responses to your 10 interrogatories indicate that we will identify documents responsive to those interrogatories. Those responses are appropriate: the interrogatories specifically asked us to “[i]dentify (including by Bates number if or once assigned)” any such documents.

In any event, our August 29 letter already identified custodians for 4 of the 5 GOP intervenors. We have begun collecting documents from all 5 intervenors and loading them into our review platform. We expect to be in a position shortly after the stay expires to provide you dates certain for identifying custodians for the remaining intervenor and for sharing our search terms.

As we mentioned in our August 29 letter, we are not yet in an informed position to accept or decline Plaintiffs' proposal regarding the existing protective orders because we are still collecting and reviewing documents. We therefore are unable to determine at this juncture whether the existing protective orders are adequate to protect our clients' interests. As we promised, we will inform you of our position on that proposal as soon as we are able to do so.

Finally, like many members of your team, our team is heading to trial in another matter over the next several weeks. The discovery schedule in this case already contemplates all parties' counsel's conflicting trial schedules.

Please let us know if you would like to discuss this further.

Thanks,
John

John M. Gore
Partner

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RE: LUPE v. Abbott, 5:21-cv-844 (WD Tex): Discovery Correspondence - M&C (Intervenor-Defendants)

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Subject: RE: LUPE v. Abbott, 5:21-cv-844 (WD Tex): Discovery Correspondence - M&C (Intervenor-Defendants)

**** External mail ****

Counsel,

We are in receipt of your August 29 letter concerning document production and your August 12 Responses and Objections to Plaintiffs' First Set of Interrogatories. We write to better understand the status of the GOP Intervenors' collection and review of documents in this matter.

Plaintiffs first served requests for production on the GOP Intervenors over two months ago. Nonetheless, your correspondence reflects that the GOP Intervenors' collection and review of documents remains at a very preliminary stage and that you have not yet collected documents from your clients, never mind begun producing any documents in response to our two-month-old requests. At the same time, your responses to our First Set of Interrogatories reflect that you intend to address most of our interrogatories by identifying documents that have not been produced to us.

To keep discovery moving forward, please provide us this week with dates certain for when you will provide proposed custodians for each GOP Intervenor and proposed search terms for collecting documents from these custodians. Please also indicate whether GOP Intervenors intend to accept or decline Plaintiffs' proposal regarding the existing protective orders.

We are glad to make ourselves available to discuss any of these issues.

Best regards,

Elena

Elena Rodriguez Armenta (she/her)

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Sent: Monday, August 29, 2022 5:10 PM

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Subject: RE: LUPE v. Abbott, 5:21-cv-844 (WD Tex): Discovery Correspondence - M&C (Intervenor-Defendants)

Counsel,

Attached please find discovery correspondence regarding the meet and confer held on August 11, 2022. Please let us know if you would like to discuss.

Best,

Chuck

--

Chuck Roberts
Associate

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From: Elena Rodriguez Armenta <erodriguezarmenta@elias.law>

Sent: Friday, August 19, 2022 9:26 PM

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Subject: LUPE v. Abbott, 5:21-cv-844 (WD Tex): Discovery Correspondence - M&C (Intervenor-Defendants)

** External mail **

Counsel,

Attached please find discovery correspondence memorializing the meet and confer held on August 11, 2022, regarding GOP Intervenors' Responses and Objections to Plaintiffs' First Set of Requests for Production. Please let us know if you would like to discuss.

All the best,

Elena

Elena Rodriguez Armenta (she/her)

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